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2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case 1:10-cv-06005-RWS
5 - - - - -
6 ADRIAN SCHOOLCRAFT,
7 Plaintiff,
8 -against-
9 THE CITY OF NEW YORK, DEPUTY CHIEF
10 MICHAEL MARINO, Tax Id. 873220,
11 Individually and in his Official
12 Capacity, ASSISTANT CHIEF Patrol
13 Borough Brooklyn NORTH GERALD NELSON,
14 Tax Id. 912370, Individually and in his
15 official Capacity, DEPUTY INSPECTOR
16 STEVEN MAURIELLO, Tax Id. 895117,
17 individually and in his Official
18 Capacity, CAPTAIN THEODORE LAUTERBORN,
19 Tax Id. 897840, Individually and in his
20 Official Capacity, LIEUTENANT WILLIAM
21 GOUGH, Tax Id. 919124, Individually and
22 in his Official Capacity, SGT.
23 FREDERICK SAWYER, Shield No. 2576,
24 Individually and in his Official
25 Capacity, SERGEANT KURT DUNCAN, Shield
 No. 2483, Individually and in his
 Official Capacity, LIEUTENANT
 CHRISTOPHER BROSCHART, Tax Id. 915354,
 Individually and in his Official
 Capacity, LIEUTENANT TIMOTHY CAUGHEY,
 Tax Id. 885374, Individually and in his
 Official Capacity, SERGEANT SHANTEL
 JAMES, Shield No. 3004, Individually
 and in her Official Capacity,
 LIEUTENANT THOMAS HANLEY, Tax Id.
 879761, Individually and in his
 Official Capacity, CAPTAIN TIMOTHY
 TRAINER, Tax Id. 899922, Individually
 and in his Official Capacity,
 (Caption continued on following page.)

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2 CAPTION: (continued)

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SERGEANT SON德拉 WILSON, Shield No.
5172, Individually and in her Official
Capacity, SERGEANT ROBERT W. O'HARE,
Tax Id. 916960, Individually and in his
Official Capacity, SERGEANT RICHARD
WALE, Shield No. 3099 and P.O.'s "JOE
DOE" # 1-50, Individually and in their
Official Capacity (the name John Doe
being fictitious, as the true names are
presently unknown), (collectively
referred to as "NYPD defendants"), FDNY
LIEUTENANT ELISE HANLON, individually
and in her Official Capacity as a
lieutenant with the New York City Fire
Department, JAMAICA HOSPITAL MEDICAL
CENTER, DR. ISAK ISAKOV, Individually
and in his Official Capacity, DR.
LILIAN ALDANA-BERNIER, Individually and
in her Official Capacity and JAMAICA
HOSPITAL MEDICAL CENTER EMPLOYEE'S
"JOHN DOE" # 1-50, Individually and in
their Official Capacity (the name John
Doe being fictitious, as the true names
are presently unknown),

15

Defendants.

16

- - - - -
111 Broadway
New York, New York
October 8, 2013
10:17 a.m.

19

DEPOSITION of MICHAEL MARINO, held
at the above time and place, taken
before Al-Furquan Baker, a Shorthand
Reporter and Notary Public of the State
of New York, pursuant to the Federal
Rules of Civil Procedure, Order and
stipulations between Counsel.

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2 APPEARANCES:

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LAW OFFICES OF NATHANIEL B. SMITH
Attorneys for Plaintiff
111 Broadway
New York, New York 10006

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BY: NATHANIEL B. SMITH, ESQ.

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NYC LAW DEPARTMENT
CORPORATION COUNSEL
Attorneys for Chief Michael Marino
and All City Defendants
100 Church Street
New York, New York 10007
BY: SUZANNA PUBLICKER METTHAM, ESQ.

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Attorneys for Defendant Lilian
Aldana-Bernier
One Whitehall Street
New York, New York 10004
BY: MEREDITH B. BORG, ESQ.

(Continued on following page.)

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1 M. Marino

2 on-site as being those individuals --

3 A. Yes.

4 Q. What is the function of the
5 Brooklyn North Investigations Unit?

6 A. They worked directly for the
7 commanding officer of the borough.

8 They handled any internal investigation
9 that the commanding officer deems fit.

10 As well as being assigned the cases
11 from IAB that IAB deems can be handled
12 by them rather than IAB.

13 Q. And who was the commanding
14 officer of the borough at that time?

15 A. Assistant Chief Gerald
16 Nelson.

17 Q. So when you saw Gough,
18 Hawkins and Duncan there, you
19 understood that they were there at the
20 direction of either IAB or Nelson?

21 MS. PUBLICKER METTHAM:

22 Objection.

23 You can answer.

24 A. No.

25 Q. What's your understanding of

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1 M. Marino

2 is and you didn't see him anywhere near
3 Schoolcraft's residence that night,
4 right?

5 A. He was not there.

6 Q. And we were talking about
7 when you ordered them to take him.

8 I think that was your
9 language, right?

10 A. My vernacular, yes.

11 Q. Your vernacular?

12 A. Yes.

13 Q. And at that point you believe
14 that you had the authority to give that
15 order because you thought that Officer
16 Schoolcraft was an emotionally
17 disturbed person; is that correct?

18 MS. PUBLICKER METTHAM:

19 Objection.

20 Asked and answered.

21 You can answer again.

22 A. Yes.

23 Q. All right.

24 At the moment that you gave
25 that order, can you identify for me in

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1 M. Marino
2 what way you believe that Office
3 Schoolcraft was acting as an EDP?

4 MS. PUBLICKER METTHAM:

5 Objection.

6 Asked and answered
7 repeatedly.

8 One more time you, answer.

9 A. Based upon the diagnosis by
10 trained medical professionals coupled
11 with his actions, I believe that there
12 was something wrong with him, at least
13 temporary.

14 Q. What was the diagnosis that
15 you are referring to?

16 A. The paramedic lieutenant,
17 female paramedic lieutenant told me
18 that he had to go to the hospital. It
19 was dangerous if he didn't, and that if
20 he refused to go he was making improper
21 decisions and she would treat him as an
22 emotionally disturbed person.

23 Q. Okay.

24 And the other thing that you
25 indicated was the basis for your